

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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<b>JOHN DOE,</b>	) <b>CASE NUMBER:</b>
	) <b>2:21-CV-20706-SDW-ESK</b>
<b>Plaintiff</b>	)
<b>v.</b>	) <b>NOTICE OF MOTION TO</b>
	) <b>WITHDRAW AS COUNSEL</b>
<b>BAILA SEBROW</b>	)
	) <b>CIVIL ACTION</b>
<b>Defendant</b>	)
	) <b>Presiding Judge:</b>
	) <b>HON. STACEY D. ADAMS</b>
	)

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**PLEASE TAKE NOTICE** that on a date to be determined by this Honorable Court, the undersigned attorney, Ira W. Heller, Esq., counsel for Betty Sebrow (known in this matter as “Baila Sebrow” to be referenced herein as “Defendant,” “Client” or “Ms. Sebrow”) shall respectfully move this Court for an Order granting the undersigned leave to withdraw as counsel of record for the Defendant in the above-captioned matter. This Motion, made pursuant to Local Civil Rule 102.1(c), shall rely upon the annexed Certification of Counsel based on the following:

Date: January 20, 2025



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Ira W. Heller, Esq.

Ira Heller Law, LLC  
1317 Morris Avenue  
Union, NJ 07083  
908-275-8626  
iwhelleresq@gmail.com

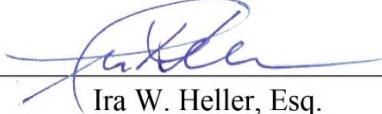
**CERTIFICATON OF SERVICE**

I hereby certify that on January 20, 2025, a true and correct copy of the foregoing Motion to Withdraw as Counsel was served upon the Court via ECF filing,  
upon Opposing Counsel:

Daniel Szalkiewicz, Esq.  
Daniel Szalkiewicz & Associates, P.C.  
23 West 73rd Street, Suite 102  
New York, NY 10023  
daniel@lawdss.com

upon Defendant:

Betty Sebrow,  
12 Beechwood Drive  
Lawrence, NY 11559  
bsebrow@aol.com



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<b>JOHN DOE,</b>	) <b>CASE NUMBER:</b>
	) <b>2:21-CV-20706-SDW-ESK</b>
<b>Plaintiff</b>	)
<b>v.</b>	) <b>ATTORNEY'S CERTIFICATION IN</b>
<b>BAILA SEBROW</b>	) <b>SUPPORT OF MOTION TO</b>
	) <b>WITHDRAW AS COUNSEL</b>
<b>Defendant</b>	)
	) <b>CIVIL ACTION</b>
	)
	) <b>Presiding Judge:</b>
	) <b>HON. STACEY D. ADAMS</b>

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I, IRA W. HELLER, ESQ., hereby certify as follows:

1. I am the attorney to the Defendant, Ms. Betty Sebrow, having been retained in this matter since October of 2022.
2. Since February of 2022, the Client has been unable to fulfill her financial obligations under the terms of the Attorney-Client Retainer Agreement to pay fees for legal services.
3. My law firm is a solo practice, and I can no longer bear the financial burden of providing legal services without compensation in this matter.
4. I have provided reasonable notice to the Client that unless legal fees would be forthcoming, that I would no longer be able to continue my representation in this matter.
5. Despite my Client's good faith efforts to resolve the outstanding payment issues, she remains unable to make the required payments.
6. Counsel in this matter has faced significant financial hardship in continuing to represent the Defendant without compensation. As the case has progressed, this hardship has

become increasingly burdensome, severely impacting counsel's ability to provide effective and thorough legal representation to the Defendant.

7. Ms. Sebrow has been provided with adequate notice of the impending filing of this Motion to Withdraw from these proceedings. She is currently in the process of seeking to retain new counsel to represent her moving forward in this matter.

8. Counsel has offered Ms. Sebrow his full cooperation to assist in the transition of her case to new counsel.

### **LEGAL ARGUMENT**

Being mindful of Local Civil Rule 102.1, which pertains to an attorney's withdrawal of appearance and states that "Unless other counsel is substituted, no attorney may withdraw an appearance except by leave of Court," I respectfully submit this request for leave of this Honorable Court to permit my withdrawal as counsel to the Defendant in this matter.

As previously stated, grounds for withdrawal may include a client's inability to fulfill their financial obligations, which can impose an undue hardship upon counsel. Continued representation without compensation creates an unreasonable financial burden, particularly in matters requiring significant time, effort, and resources.

Courts have consistently recognized that withdrawal is permissible under such circumstances, provided that continued representation would result in an unreasonable burden on the attorney, and that the withdrawal does not unduly prejudice the client or interfere with the orderly administration of justice.

### **CONCLUSION**

Courts have consistently recognized that withdrawal is appropriate when it is clear that the attorney-client relationship has been compromised due to nonpayment, provided that the

withdrawal is conducted in a manner that does not unduly prejudice the client or disrupt the orderly administration of justice. In this case, counsel has taken all reasonable steps to minimize any potential prejudice, including providing the client with adequate notice, offering assistance to the client in obtaining new counsel, and assisting in the transition wherever feasible.

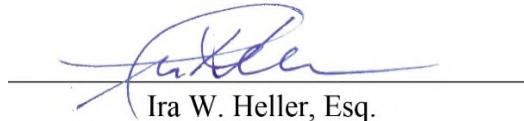
It is well-established that attorneys are not required to continue representing clients under circumstances that create an undue burden or make it impossible to provide effective representation. Allowing withdrawal under such circumstances upholds the balance between an attorney's professional obligations and their ability to manage their practice sustainably.

For the foregoing reasons, I respectfully request that this Honorable Court grant leave for my withdrawal as counsel in this matter.

I hereby certify, under penalty of perjury, that the foregoing is true and correct.

Date: January 20, 2025

Respectfully submitted,



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**THIS MATTER** having been opened to the Court by Ira W. Heller, Esq., requesting leave of the Court to withdraw as counsel to Defendant Betty Sebrow (known in this matter as “Baila Sebrow”) pursuant to Local Civil Rule 102.1(c) and for good cause shown;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2025

**ORDERED** that the above application to withdraw as Counsel is **GRANTED**.

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HON. STACEY D. ADAMS, U.S.D.J.